IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

W.A.No.2394 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).32349/2006 Dated 06/12/2006

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APPELLANTS: PETITIONERS:-

1. PARAMESWARAN NAIR,
   S/O.THEKKEPPATTU PARUKUTHYAMMA,
   UPPATH HOUSE, NAYARANGADI, P.O.KODASSERI,
   THRISSUR DISTRICT.

2. JAYARAJAN, S/O.UPPATH PARAMESWARAN NAIR,
   DO. DO.

3. NARAYANANKUTTY, S/O.PARAMESWARAN NAIR,
   MADAPPATTU HOUSE, DO. D0.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS/RESPONDENTS:-

1. MERCY, W/O.CHEERAKATHIL JOVY,
   EAST CHALAKUDY DESOM AND VILLAGE,
   THRISSUR DISTRICT.

2. JANE, W/O.KALAPPARAMBATH PAUL DAVIS,
   MALA, VADAMA, THRISSUR DISTRICT.

3. JOHNSON, S/O.POTTAKKARAN PALI,
   VELOOKKARA, PARIYARAM,
   VIA.CHALAKUDY, THRISSUR DISTRICT.

4. THE REVENUE DIVISIONAL OFFICER,
   THRISSUR.

5. THE TAHSILDAR,
   MUKUNDAPURAM, IRINJALAKUDA P.O.,
   THRISSUR DISTRICT.

6. THE SECRETARY,
   KODASSERI GRAMA PANCHAYATH,
   KODASSERI P.O., THRISSUR DISTRICT.

7. THE GEOLOGIST,
   DISTRICT OFFICE, DEPARTMENT OF MINING & GEOLOGY,
   AYYANTHOLE, THRISSUR DISTRICT.

8. THE EXECUTIVE ENGINEER-CANALS,
   EDAMALAYAR DIVISION, CHALAKUDY,
   THRISSUR DISTRICT.

9. THE CIRCLE INSPECTOR OF POLICE,
   CHALAKUDY, THRISSUR DISTRICT.

R4, R5, R7, R8 & R9 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.2394 of 2006

Dated, this the 19th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

Challenge in the present Writ Appeal is to the order dated 6th December, 2006 passed by the learned Single Judge in W.P.(C). No.32349 of 2006(A). Vide the impugned order, which reads as follows, some directions have been made:

> "Since the allegation is only against illegal quarrying without licence and permit from the concerned authorities, W.P. is disposed of with a direction to the 4th respondent to conduct enquiry and take appropriate action against those engaged in illegal quarrying. The petitioners will produce copy of this judgment before the 4th respondent for compliance. The 4th respondent should before taking any adverse action or issuing any adverse order against any of the other respondents or anyone else, issue notice and hear the version of such person".

Counsel for the appellants states that it is only one aspect of the case that was dealt by the learned Single Judge as fully made out from the order and there is no mention with regard to illegal filling of paddy fields and destruction of public land.

2. We modify the order passed by the learned Single Judge by observing that in addition to the direction which has already been issued, the concerned authorities would take into consideration the matter with regard to illegal filling of paddy fields and destruction of public land.

The Writ Appeal is disposed of as indicated above.

Issue copy of this judgment today itself.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-